

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to FIG. 2. This sheet, which includes FIGs. 1-2. In FIG. 2, previously omitted elements 22, 25, 26, 27, and 29.

REMARKS

Applicant has carefully reviewed and considered the Office Action of November 1, 2005, including the cited prior art. In response to the Office Action, Applicant has modified the specification and claim 6 in accordance with Examiner's objections. A replacement sheet containing FIGS. 1-2 is attached as an appendix to this response, with the appropriate reference numerals added to FIG. 2. In addition, Applicant has added claims 8 and 9, and respectfully requests reconsideration of the outstanding claim rejections in view of the remarks which follow.

Claim 1 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Griesemer (United States Patent Application 2003/0146725) and Davis (United States Patent Number 4,806,855). Griesemer discloses a motor overload coil control for use in a motor starter/relay contactor. The disclosed invention relates to power line thermal protection. Applicant respectfully submits that the field of motor overload coil control is non-analogous to the field of power line thermal protection, and therefore, an obviousness rejection of claim 1 relying on Griesemer cannot be sustained.

To be within the scope of the prior art as required by 35 U.S.C. § 103(a), a reference must be analogous to the art of the invention under examination. A reference is considered analogous if it is either (1) within the field of the inventor's endeavor, or (2) reasonably pertinent to the particular problem with which the inventor was involved. Applicant respectfully submits that even a broad interpretation of the Griesemer disclosure cannot result in a conclusion that Griesemer is within the field of Applicant's endeavor. Applicant also respectfully submits that the art of motor overload coil control is also not reasonably pertinent to the particular problem of power line thermal protection.

In addition to not being analogous art to applicant's invention, Applicant also respectfully submits that Griesemer is not properly combinable with Davis. In particular, under 35 U.S.C. § 103(a), teachings of different references may only be combined when some reason, suggestion, or motivation found in the prior art suggests that a person of ordinary skill in the art would make the combination. Such a motivation to combine cannot come from hindsight after receiving the benefit of the Applicant's disclosure.

Applicant respectfully submits that while the Office Action states a motivation to combine Griesemer with Davis, no source for a motivation to combine the two references has been stated, and therefore, a *prima facie* case of obviousness has not been established. Applicant further respectfully submits that neither Griesemer nor Davis supplies a motivation to combine these references to create Applicant's invention, and therefore, the combination of these two references was improper.

However, assuming arguendo that Griesemer and Davis are combinable, Applicant respectfully submits that their combined disclosures do not teach every element of claim 1, and therefore, an obviousness rejection of claim 1 cannot be sustained based on their combination. Davis discloses a system for determining the current carrying capability of one or more overhead power transmission lines. The disclosed system monitors the thermal state of a line span. As stated earlier, Griesemer discloses a motor overload coil control for use in a motor starter/relay contactor. Griesemer also discloses the use of inputs, such as full load amperage (FLA) and a current sense input. However, the inputs disclosed by Griesemer are not enterable by an end user as required by claim 1. See Griesemer, FIG. 1(current sense input – 20- derived from current sensors 22) and FIG. 4D(potentiometer used to modify FLA adjustment). Applicant also notes that Davis does not disclose settings that are entered by an end user. Applicant respectfully

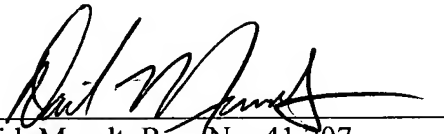
submits that as all elements of claim 1 are not disclosed by the combined disclosure of Griesemer and Davis, an obviousness rejection cannot be sustained. Applicant further respectfully submits that as claims 2 through 7 are directly or indirectly dependent on claim 1, if Examiner should find claim 1 allowable, all other claims should be allowed as well.

CONCLUSION

Applicant respectfully submits that in light of the arguments set forth in this response, this application is now in condition for allowance, and respectfully requests that a timely Notice of Allowance be issued. However, should Examiner be of the opinion that further amendments or response is required, Applicant encourages Examiner to contact the undersigned attorney at the telephone number set forth below. Further, although no additional fees are believed to be due at this time, the Commissioner is authorized to charge any additional fees or deficiencies or credit any overpayments to Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd., Deposit Account No. 50-1039 with reference to attorney docket number (1444-0003).

Respectfully submitted,

COOK, ALEX, McFARRON, MANZO,
CUMMINGS & MEHLER, LTD.

By: 
David Mundt, Reg. No. 41,207

200 West Adams Street, Suite 2850
Chicago, Illinois 60606

(312) 984-0144 (Telephone)
(312) 984-0146 (Facsimile)

Replacement Sheet Annotated

